IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.14097 of 1999

M.Ragini Murugesan .. Petitioner.

Versus

1.The District Revenue Officer,
Theni, Theni District.

2.The District Supply Officer,
Theni, Theni District. .. Respondents.

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified mandamus calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Rc.No.40761/98 N.1 dated 25.6.1999, and quash the same in so far as it relates to the fine amount imposed on the petitioner as the owner of the lorry bearing registration No.TN-72-9925 is concerned and consequently direct the respondents to refund the sum of Rs.15,000/- paid as security deposit, besides the release of the security of the immovable property offered in favour of the first respondent.

For petitioner : Mr.C.Prakasam

For respondents : Mr.V.Manoharan
Government Advocate

O R D E R

Heard Mr.C.Prakasam, the learned counsel appearing for the petitioner and Mr.V.Manoharan, the learned Government Advocate appearing for the respondents.

2. It is submitted by the learned counsel appearing for the petitioner that 170 bags of paddy, which were being transported from Palarpatti to Amarnath Trading Company, had been seized by the first respondent, alleging that goods had been transported with ulterior motive to carry on illicit business.

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3. The main contention of the learned counsel appearing for the petitioners is that at the time of seizure there was purchase voucher and the paddy was covered by the cess payment receipt and that notice under Section 6B of the Essential Commodities Act was not sent to the witnesses for their participation in the 6A enquiry.

4. It is submitted by the learned counsel appearing on behalf of the respondents that as against the impugned order passed by the first respondent, a statutory appeal is available to the petitioner, under Section 6-C of the Essential Commodities Act, 1955. Section 6-C of the Essential Commodities Act, 1955, reads as follows:

> 6-C.Appeal.- (1) Any person aggrieved by an order of confiscation under Section 6-A may, within one month from the date of the communication to him of such order, appeal to the State Government concerned and the State Government shall, after giving an opportunity to the appellant to be heard, pass such order as it may think fit, confirming, modifying or annulling the order appealed against.
>
> (2) Where an order under Section 6-A is modified or annulled by the State Government, or where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under Section 6-A, the person concerned is acquitted, and in either case it is not possible for any reason to return the essential commodity seized, such persons shall, except as provided by sub-section (3) of section 6-A, be paid the price therefor as if the essential commodity had been sold to the Government with reasonable interest calculated from the day of the seizure of the essential commodity and such price shall be determined -
>
> (i) in the case of food grains, edible oilseeds or edible oils, in accordance with the provisions of sub-section (3-B) of section 3;
>
> (ii) in the case of sugar, in accordance with the provisions of sub-section (3-C) of section3 ; and
>
> (iii) in the case of any other essential commodity, in accordance with the provisions of sub-section (3) of section 3.

5. However, the learned counsel appearing for the petitioner had submitted that at the time of the filing of the writ petition, the appellate authority had not been designated, as provided under the Act. Therefore, the petitioner has come before this Court, by way of filing the present writ petition, under Article 226 of the Constitution of India. It is submitted that at present the concerned District Courts have been designated as the appellate forum, under Section 6-C of the Essential Commodities Act, 1955, to hear and decide the appeals.

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6. Considering the facts and circumstances of the case, the petitioner is granted liberty to file an appeal before the designated appellate authority, as provided under the law, within a period of four weeks from the date of receipt of a copy of this order. On such appeal being filed, the appellate authority is expected to dispose of the same expeditiously.

The writ petition is disposed of with the above direction. No costs.

csh

sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The District Revenue Officer,
Theni, Theni District.

2.The District Supply Officer,
Theni, Theni District.

KV(CO)
RP 3/12/2007

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